



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 5, 2016**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, July 5, 2016 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

I. CALL TO ORDER

Pages

- A. Certification of Public Notice. 1-2
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral recognition.
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The

remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on June 21, 2016. 3-17
(Staffed by City Secretary's Office.)

- B. Approval on second and final reading of the following:
 - 1) Ordinance 2016-17 rezoning 2200 S. Texas Blvd., also being 7.47 19
acres out of Farm Tract 743, excluding an irrigation Tract E343.08`-
N307.54, West Tract Subdivision, Weslaco, Hidalgo County, Texas,
from R-1 One Family Dwelling District to R-2 Duplex and
Apartments District. (First reading held June 21, 2016; Staffed by
Planning and Code Enforcement Department.)
Attachment.

 - 2) Ordinance 2016-23, amending the "Zoning Ordinance," Section 150- 19
19 of the Weslaco Code of Ordinances, to remove the 60 day clause
on "any appeal or permit granted by the board of adjustment shall not
be valid if construction authorized by said permit is not begun within
a period of 60 days" and authorize the Mayor to execute any related
documents. (First Reading held June 21, 2016; Staffed by Planning
and Code Enforcement Department.) Attachment.

IV. APPOINTMENTS

- A. Discussion and consideration to remove one member and approve 20-28
Resolution 2016-49 appointing one member to that unexpired term on the
Board of Adjustments and Appeals to the Zoning Ordinance and
authorize the Mayor to execute any related documents. Possible action.
(Staffed by Planning and Code Enforcement Department.) Attachment.

V. OLD BUSINESS

- A. Discussion and consideration to approve compensation for project delays 29-34
to CDM Constructors, Inc. in an amount not to exceed \$960,000.00 and
authorize the Mayor to execute any related documents. Possible action.
(This item was tabled June 7, 2016 and there was no action June 21,
2016; Staffed by Planning and Code Enforcement
Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2016-24 disannexing in accordance with the boundary lines affixed by the City of Mercedes settlement agreement and City of Donna Memorandum of Understanding. First reading of Ordinance 2016-24. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment. 35-39

- B. Discussion and consideration to approve Resolution 2016-50 authorizing the submission of the Weslaco Parks, Recreation, and Open Space Master Plan to Texas Parks and Wildlife Department. Possible action. (Staffed by Parks and Recreation.) Attachment. 40-44

- C. Discussion and consideration to identify the top ten (10) park priorities for the next ten (10) years. Possible action. (Staffed by Parks and Recreation.) Attachment. 45-46

- D. Discussion and consideration to approve the reinvestment of the Booth Endowment Funds through the purchase of a Certificate of Deposit with Rio Bank for the term of 18 months in an amount not to exceed \$240,000.00. Possible action. (Staffed by Library Department.) Attachment. 47-54

- E. Discussion and consideration to award the bid to the sole respondent for the purchase of a 2016 Ford Transit van for EMS division training in an amount not to exceed \$34,000.00 as budgeted. Possible action. (Staffed by Fire Department.) Attachment. 55-65

- F. Discussion and consideration to ratify Amendment No. 1 to the Agreement with the Texas Department of Transportation for project M1621WESL related to the RAMP grant at the Airport increasing the local contribution in an amount not to exceed \$40,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment. 66-70

VII. REPORTS

- A. Report by Weslaco Area Chamber of Commerce. Attachment. 71

- B. Report by Economic Development Corporation of Weslaco.

- C. Report by Planning and Code Enforcement.
- D. Report by Severn Trent.
- E. Report by Public Works Department.
- F. Report by Parks and Recreation Department.

VIII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. *Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. *Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Pending Litigation - Consultation with City Attorney regarding *City of Weslaco v. Briones Consulting and Engineering* as authorized by §551.071 of the Texas Government Code.
- C. Real Property - Consultation with City Attorney on the purchase, exchange, lease or value of real property (North Texas; Intersection of Mile 11 and Texas Boulevard) as authorized by §551.072 of the Texas Local Government Code.
- D. Pending Litigation – Consultation with City Attorney regarding Cause No.C-1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero*

Governmental Affairs v. City of Weslaco, Texas in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

- E. Personnel - Discussion regarding the investigation by the Department of Justice into an Americans with Disabilities Act complaint against the Police Department as authorized by §551.074 of the Texas Government Code.

**IX. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

X. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 1st day of July, 2016 no later than 5:10 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

Removed from Bulletin Board

Date:

Initials: